

## How the rich abuse the planning system in our National Parks (1)- Mouldsdale Properties and Tarbet

### Description



Photo-montage of the entrance to Ben Cruach Lodge courtesy of the excellent Arrochar and Tarbet Community Development Trust newsletter

A number of developments have taken place since I covered the unlawful felling of trees and the creation of a new entrance to Ben Cruach Lodge at Tarbet, on the western shore of Loch Lomond, in May ([see here](#)).

Coverage in the Helensburgh Advertiser ([see here](#)) appears to confirm that Ben Cruach Lodge is owned by David Mouldsdale, the millionaire owner of Mouldsdale Properties Ltd. Last year Mr Mouldsdale launched a plan for a large new development at Tarbet which included Ben Cruach Lodge and land owned by the Loch Lomond and Trossachs National Park Authority ([see here](#)). Mr Mouldsdale's spokesperson made a number of claims to the Advertiser. They bear no resemblance to reality:

*"With his close affiliation to Loch Lomond and the Trossachs, any development undertaken by Mr Mouldsdale would be done so sensitively and in keeping with the heritage and culture of the much loved area".*

Comment: so why did Mr Mouldsdale create a new entrance to Ben Cruach Lodge without planning

permission? It should be the planning system in the National Park that is the arbiter of whether a development is sensitive or appropriate, not Mr Mouldsdale.

*“Mouldsdale Properties will work in close partnership with the National Park and local residents will be consulted to ensure that any development will only serve to benefit the community.”*

Comment: neither the LLTNPA nor local residents were consulted about the new entrance.

*“The plans are at a very early stage but we intend to be transparent throughout the process.”*

Comment: neither Mr Mouldsdale nor his company made any announcement, let alone consulted, about the felling of trees and the creation of this new entrance. Neither can be trusted.

If we had a planning system worth the name, the people and companies responsible for unlawful developments such as this would face heavy fines and lose the right to make planning applications in future.

## **The retrospective planning application**

Instead of taking enforcement action, the LLTNPA has asked Mouldsdale Properties to make a retrospective planning application for the *“Formation of enlarged bellmouth entrance, engineering works to form new driveway and erection of wall and gates. Temporary retention of timber fence and gates”* ([see here](#)). Why ask someone who has been responsible for an unlawful development to make a planning application unless you have already decided it is acceptable?

The Planning Application has been submitted by Mouldsdale Properties on behalf on David Mouldsdale. The Agent, Mr Craig Mitchell, is given as residing at Ben Cruach Lodge. This appears incorrect as according to neighbours who have submitted an objection:

*“ we can confirm that it [Ben Cruach Lodge] is currently vacant, as is Clattochbeg Cottage. It is a property, not a home, owned by Mr Mouldsdale whose private address is elsewhere in Glasgow and both properties have remained largely vacant since at least 2014?”*

The application attempts to justify the development as “emergency works”. This is nonsense. While it unclear exactly how many trees toppled in high winds, that did not justify the felling of large numbers of other trees without the appropriate permissions or the creation of the new entrance. As evidence of part of what happened a local resident has submitted this photo to the LLTNPA:



Extent of tree clearance (Clattochbeg in foreground). Notably machinery was still on site and further felling was carried out after this image was taken.

Moreover, according to another objection, the naturally fallen trees did NOT caused the power outage as the application claims:

In addition to these material considerations, **we would like** applicant's explanation for why the works were carried out *works were required to be carried out due to fallen trees causing fences and causing a power outage. Unsafe trees were removed erected to secure the property until planning can be obtained walling."* We cannot comment on any damage to drainage system explain the extent of the tree felling, removal of hedges, width of a new wider driveway. However, we can confirm that extent the noted power outage at the beginning of April. When we responsible for the power cut, the broken electricity cable was workmen with a JCB admitted that they had cut through it.

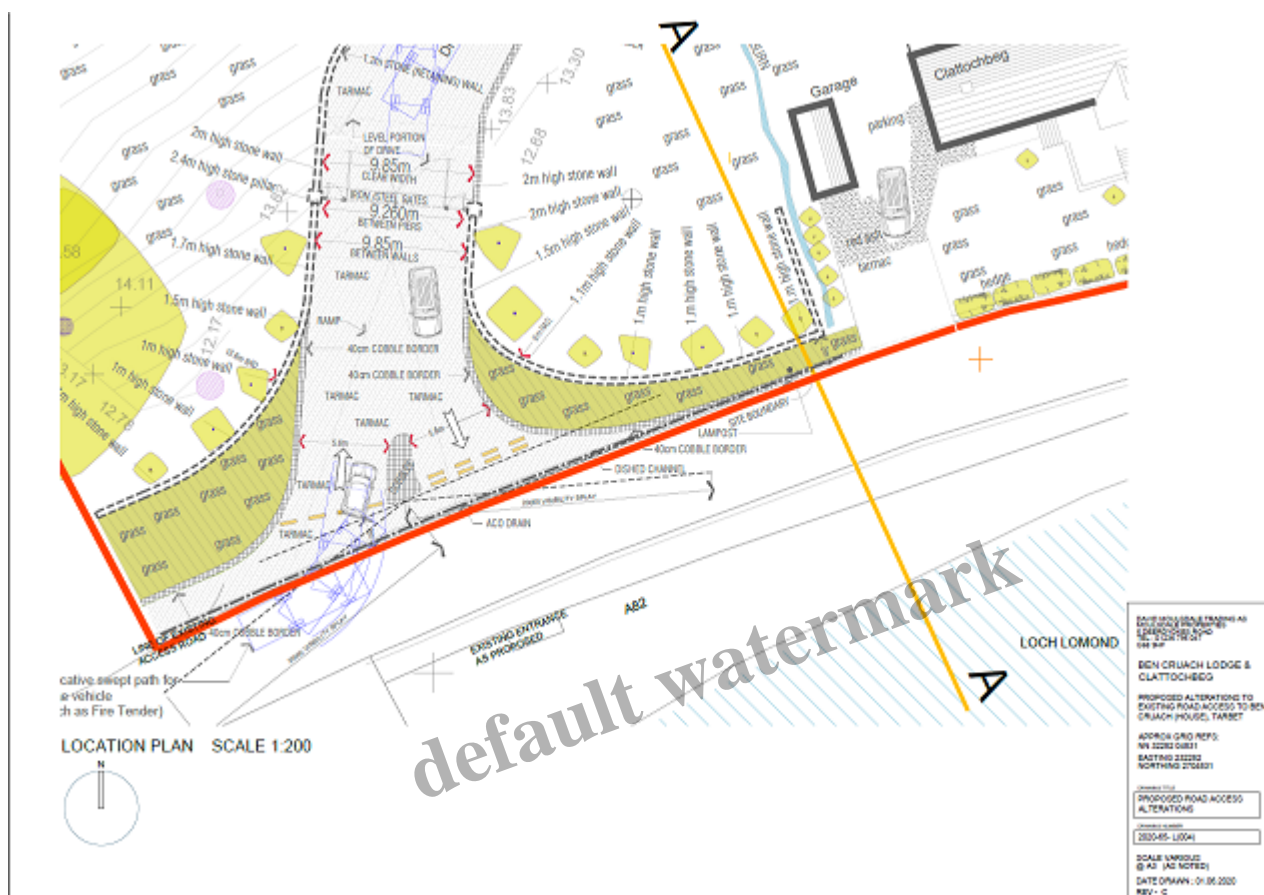
fallen trees, it was caused by the JCB carrying out unauthorised that tree felling continued for at least 24 hours after we had instructed by LLTNP to stop.

The truth, as a number of local objectors have commented, appears to be that David Mouldsdale took



advantage of the lockdown to go ahead with a development without seeking planning permission.

The Planning Application seeks permission for Mr Mouldsdales to retain the unlawfully enlarged entrance, as illustrated by the top photo, and replace the wooden fence with a stone wall.



This could ONLY be justified if the proposed Mouldsdales Property development were to go ahead. The proposal is to replace the current narrow drive which serves Ben Cruach Lodge (which can also be accessed by the former military road round the back) with one 9.85m wide. Both it and the bell entrance are designed for the high volume of traffic that would be expected if the land by Ben Cruach Lodge was covered in holiday lodges or the equivalent. If, therefore, the LLTNPA were now to approve this development, they would have effectively given approval to a large chunk of the proposed Mouldsdales development. As many local objectors have stated, this should have been reason enough for the LLTNPA to take enforcement action.

Thankfully, while stating the design does not meet their standards, Transport Scotland have also requested that the applicant submit a *“Transport Statement of the type and scale of any future development that the proposed access is intended to serve”*. What this effectively tells you is they believe that Mouldsdales Properties has commenced their wider proposed planning development without any planning application.

If the planning system served the people in Scotland rather than rich developers, Mouldsdales’s land around Ben Cruach Lodge would now be removed from his control.

There are a number of other reasons for objecting to the application:

- Under the Local Development Plan the land pertaining to Ben Cruach Lodge has not been designated for a tourist development
- The Bell Mouth entrance is now being used as a layby and turning place, creating danger and disturbance (from idling cars) to neighbouring properties
- It is not in keeping with the highly wooded landscape along this section of the A82, replacing the vegetation which screened the buildings with suburban type walls (presumably to provide views to people staying in a future tourist development)
- The wider drive will increase water run off
- And lastly, if a further application is submitted in due course for a tourist development around Ben Cruach Lodge the increased traffic on the drive and at the junction of the A82 would have a serious impact on the local school and neighbours' amenity.

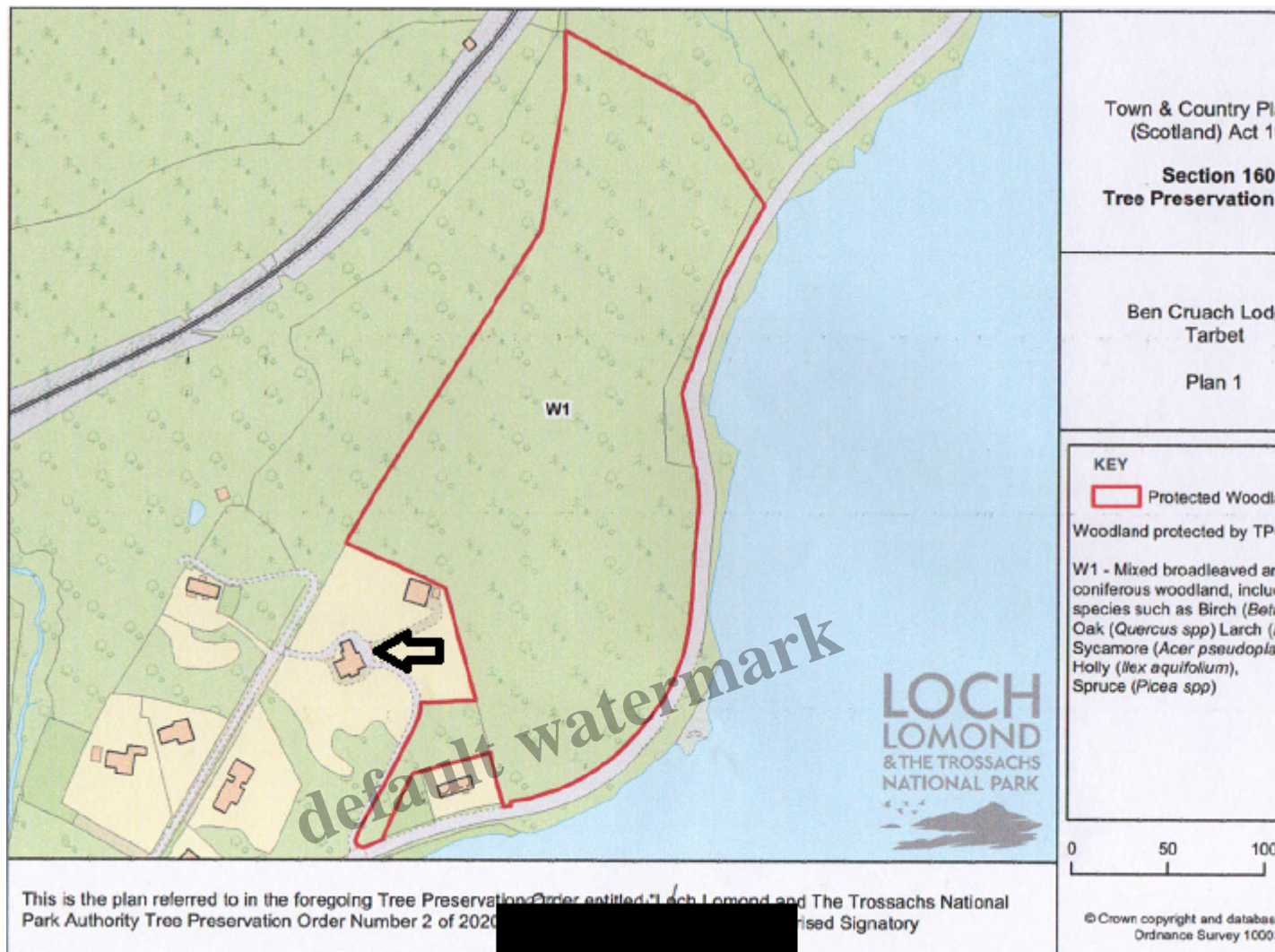
A number of excellent objections have been submitted from local residents, including the head teacher of the local school – fantastic to see a local professional speaking out – which you can view on the planning portal. A very strong objection has also been lodged by the Arrochar and Tarbet Community Development Trust ([see here](#)). It is a shame that so far the Friends of Loch Lomond and Trossachs have not submitted any objection but then their website still list Optical Express and the Mouldsdale Foundation as among their current “Partners and Business Supporters” ([see here](#)). It is well past time they dissociated themselves from rich developers who flout the law.

If you know Tarbet and the section of the A82 near the school, please consider lodging your own objection and supporting local residents. You can do so online [here](#).

## **The felling of trees around Ben Cruach Lodge and the Tree Preservation Order**

The work undertaken by Mouldsdale Properties included widespread and unlawful felling of trees around Ben Cruach House. After this had been reported to them, it appears to have taken the LLTNPA several weeks to respond, by which time further trees had been felled. My understanding is that the unlawful felling is now being investigated by Forestry Scotland who have the power to issue fines and order that trees be planted.

While the LLTNPA were slow to respond – a contrast to the unlawful felling of trees at Drumkinnon Bay where they issued emergency Tree Preservation Orders within 24 hours ([see here](#)) – they may have been hampered by the lockdown. A month ago they issued a TPO for the entire grounds around Ben Cruach lodge .



Ben Cruach Lodge is marked by the arrow, the red line marks the boundary of the land covered by the TPO. The felling took place outside of this including at Clattoch beg, the building on the bottom right.

The explanation and justification for the TPO is strongly worded and is open about Mouldsdale Properties' failures:



### **Reason for making this Tree Preservation Order**

In 2019 the planning authority received a Proposal of Application Notice for a major development in Tarbet, Planning Ref 2019/0209/PAC, which includes the property known as Ben Cruach Lodge, Tarbet, Arrochar G83 7DG. While pre-application consultation with the public was undertaken an application has not been submitted. The woodland to the north and east of the dwellinghouse on the said property is visually prominent from the Trunk Road A82.

Significant, unauthorised felling and woodland removal has recently taken place on the said property. While further information and reassurance has been sought from the owner, this has not been provided to the satisfaction of the planning authority. The woodland is considered to be at risk from further felling. It is considered expedient to protect the remaining, predominately native and ancient, woodland on and around the said property with a Tree Preservation Order. This woodland contributes to visual amenity and the woodland habitat connectivity of Tarbet along with the wider Loch Lomond area. Unauthorised loss of woodland cover in this area would result in fragmentation of the woodland habitat and would also have a negative impact on the visual amenity for residents and visitors.

This is very welcome and the LLTNPA should be commended for taking out such an extensive Tree Preservation Order. It now needs to be confirmed by the LLTNPA's Planning and Access Committee and I understand people have until 7th August to comment. You can do so by emailing [planning@lochlomond-trossachs.org](mailto:planning@lochlomond-trossachs.org) quoting reference TPO 2 of 2020.

## **What needs to happen**

It should be a cause of considerable embarrassment to the LLTNPA that a developer, who included land owned by the National Park in their development proposal, appears to have started work on those plans without seeking planning permission. Unless the LLTNPA takes robust enforcement action, the suspicion will grow that someone somewhere in the Park Authority had given Mouldsdale Properties the impression, whether deliberately or otherwise, that their proposed development could just go head.

The LLTNPA Board now need to clarify publicly what discussions have taken place with Mouldsdale Properties about their proposed development at Tarbet, including the potential use of National Park land as part of this. A transparent and accountable Board would, long ago, have adopted a clear procedure setting out how they would respond when land they manage on behalf of the people of Scotland is included in applications from developers, such as has happened with both Flamingo Land and Mouldsdale Properties. Until they do this and undertake a wider review of how the planning system in the National Park is being managed, the LLTNPA should not to be trusted.

## **Category**

1. Loch Lomond and Trossachs

## **Tags**

1. forestry scotland
2. Governance
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**Date Created**

July 17, 2020

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